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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

DEAN JEFFRIES L. GOODRIDGE,
Individually and as Personal Representative of
the Estate of TAYLOR GOODRIDGE,
Deceased,

Plaintiff,

vs.

DIAMOND RANCH ACADEMY, INC., and
JOHN DOE I,

Defendants.

**MOTION FOR LEAVE TO FILE
OVERLENGTH BRIEF**

Case No. 4:22-cv-000102-DN

Judge David Nuffer

Pursuant to DUCivR 7-1(e), Defendant Diamond Ranch Academy, Inc. (“DRA”), by and through its counsel of record, respectfully seeks leave to file an overlength Motion to Dismiss. The subject action arises as a result of the unfortunate passing of Ms. Taylor Goodridge, which occurred while she was a resident at DRA. An overlength brief is necessary and appropriate in this matter due to the multitude of basis that DRA intends to rely on in seeking Rule 12 dismissal of the subject litigation.

More specifically, first, DRA intends to seek dismissal pursuant to Fed. R. Civ. P. 12(b)(1) based on lack of subject-matter jurisdiction because Plaintiff failed to complete the Utah Division of Professional Licensing (“DOPL”) pre-litigation process that is statutorily required before commencing suit on a medical malpractice claim. This aspect of the motion requires DRA to explore the basis as to why the relevant statutes that require a pre-litigation review by DOPL apply in the subject circumstance. Moreover, in the alternative, DRA intends to argue that if the action is not dismissed, it should be stayed pending completion of the ongoing DOPL pre-litigation review process.

Second, pursuant to Fed. R. Civ. P. 12(b)(6), DRA intends to seek dismissal of five of Plaintiff’s six causes of action for failure to state a claim upon which relief may be granted. Those five causes of action are for:

- | | |
|------------------------|------------------------------|
| Cause of Action No. 1: | False Imprisonment |
| Cause of Action No. 2: | Premises Liability |
| Cause of Action No. 3: | Innkeeper Liability |
| Cause of Action No. 4: | Child Abuse |
| Cause of Action No. 6: | Breach of the Fiduciary Duty |

In so doing, DRA must analyze the elements of each of these five causes of action separately and discuss how Plaintiff’s claims are deficient as they relate to each specific claim.

DUCivR 7-1(a)(3)(A) specifies that any motion to dismiss filed pursuant to Fed. R. Civ. P. 12(b) may not exceed 6,500 words or 25 pages. DRA respectfully asks that this Court grant leave for it to file a Motion to Dismiss that is 30 pages in length, or in other words, five pages beyond what is typically permitted. Good cause exists for allowing overlength briefing because (1) DRA’s

motion to dismiss is based on both Rule 12(b)(1) and 12(b)(6), (2) DRA is seeking relief in the alternative; and (3) DRA is seeking dismissal of five separate causes of action—which requires evaluation of five separate bodies of law. Thus, this request for leave to file an overlength brief should be granted.

In accordance with DUCivR 7-1(e), DRA commits to include a table of contents with page references and the titles of each of the various sections with its Motion to Dismiss.

DATED this 7th day of March, 2023.

GOEBEL ANDERSON PC

/s/ Samantha E. Wilcox

Heidi G. Goebel

Samantha E. Wilcox

Attorneys for Defendant,

Diamond Ranch Academy, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2023, I caused a true and correct copy of the foregoing **MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF** to be served electronically upon the following:

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*/s/ Karen Harwood*_____